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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MOORE, WILLIAM W

ART UNIT

PAPER NUMBER

1652

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6

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/824,053

Applicant(s)

STOUGAARD ET AL.

Examiner

William W. Moore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-25, 32-41 and 43-82 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 9-25, 32-41 and 43-82 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____                                    |

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## DETAILED ACTION

*Preliminary Amendment*

Applicant's Preliminary Amendment, Paper No. 5 filed with the specification on April 3, 2001, has been entered, canceling claims 1-8, 26-31 and 42 and adding the additional  
5 claims 45-82.

*Election/Restrictions*

Restriction is required under 35 U.S.C. §§121 and 372. This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. In accordance with 37 CFR 1.499,  
10 applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

I. Claims 9-25, 32-35, and 45-69, each drawn in part to a first product, a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:1, as well as to a first method of use thereof in a method of manufacturing a food product comprising introducing a polypeptide or a substance having hexose oxidase activity, classified, *inter alia*, in class 435, subclass 190.

II. Claims 9-25, 32-35, and 45-69, each drawn in part to a first product, a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:2, as well as to a first method of use thereof in a method of manufacturing a food product comprising introducing a polypeptide or a substance having hexose oxidase activity, classified, *inter alia*, in class 435, subclass 190.

III. Claims 9-25, 32-35, and 45-69, each drawn in part to a first product, a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:3, as well as to a first method of use thereof in a method of manufacturing a food product comprising introducing a polypeptide or a substance having hexose oxidase activity, classified, *inter alia*, in class 435, subclass 190.

IV. Claims 9-25, 32-35, and 45-69, each drawn in part to a first product, a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:4, as well as to a first method of use thereof in a method of manufacturing a food product comprising introducing a polypeptide or a substance having hexose oxidase activity, classified, *inter alia*, in class 435, subclass 190.

V. Claims 9-25, 32-35, and 45-69, each drawn in part to a first product, a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set

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forth in SEQ ID NO:5, as well as to a first method of use thereof in a method of manufacturing a food product comprising introducing a polypeptide or a substance having hexose oxidase activity, classified, *inter alia*, in class 435, subclass 190.

5 VI. Claims 9-25, 32-35, and 45-69, each drawn in part to a first product, a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:6, as well as to a first method of use thereof in a method of manufacturing a food product comprising introducing a polypeptide or a substance having hexose oxidase activity, classified, *inter alia*, in class 435, subclass 190.

10 VII. Claims 9-25, 32-35, and 45-69, each drawn in part to a first product, a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:7, as well as to a first method of use thereof in a method of manufacturing a food product comprising introducing a polypeptide or a substance having hexose oxidase activity, classified, *inter alia*, in class 435, subclass 190.

15 VIII. Claims 9-25, 32-35, and 45-69, each drawn in part to a first product, a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:8, as well as to a first method of use thereof in a method of manufacturing a food product comprising introducing a polypeptide or a substance having hexose oxidase activity, classified, *inter alia*, in class 435, subclass 190.

20 IX. Claims 36, 37, 70 and 71, each drawn in part to a method of manufacturing an animal feed comprising introducing a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:1, classified in class 426, subclass 54.

25 X. Claims 36, 37, 70 and 71, each drawn in part to a method of manufacturing a food product comprising introducing a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:2, classified in class 426, subclass 54.

30 XI. Claims 36, 37, 70 and 71, each drawn in part to a method of manufacturing an animal feed comprising introducing a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:3, classified in class 426, subclass 54.

35 XII. Claims 36, 37, 70 and 71, each drawn in part to a method of manufacturing an animal feed comprising introducing a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:4, classified in class 426, subclass 54.

40 XIII. Claims 36, 37, 70 and 71, each drawn in part to a method of manufacturing an animal feed comprising introducing a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:5, classified in class 426, subclass 54.

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5 XIV. Claims 36, 37, 70 and 71, each drawn in part to a method of manufacturing an animal feed comprising introducing a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:6, classified in class 426, subclass 54.

10 XV. Claims 36, 37, 70 and 71, each drawn in part to a method of manufacturing an animal feed comprising introducing a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:7, classified in class 426, subclass 54.

15 XVI. Claims 36, 37, 70 and 71, each drawn in part to a method of manufacturing an animal feed comprising introducing a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:8, classified in class 426, subclass 54.

20 XVII. Claims 38 and 72, each drawn in part to a method of reducing the sugar content of a food product comprising introducing a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:1, classified in class 435, subclass 276.

25 XVIII. Claims 38 and 72, each drawn in part to a method of reducing the sugar content of a food product comprising introducing a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:2, classified in class 435, subclass 276.

30 XIX. Claims 38 and 72, each drawn in part to a method of reducing the sugar content of a food product comprising introducing a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:3, classified in class 435, subclass 276.

35 XX. Claims 38 and 72, each drawn in part to a method of reducing the sugar content of a food product comprising introducing a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:4, classified in class 435, subclass 276.

40 XXI. Claims 38 and 72, each drawn in part to a method of reducing the sugar content of a food product comprising introducing a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:5, classified in class 435, subclass 276.

45 XXII. Claims 38 and 72, each drawn in part to a method of reducing the sugar content of a food product comprising introducing a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:6, classified in class 435, subclass 276.

XXIII. Claims 38 and 72, each drawn in part to a method of reducing the sugar content of a food product comprising introducing a polypeptide or a substance

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having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:7, classified in class 435, subclass 276.

5 XXIV. Claims 38 and 72, each drawn in part to a method of reducing the sugar content of a food product comprising introducing a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:8, classified in class 435, subclass 276.

10 XXV. Claims 39 and 73, each drawn in part to a method of manufacturing a personal care product comprising introducing a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:1, classified in class 424, subclass 94.4.

15 XXVI. Claims 39 and 73, each drawn in part to a method of manufacturing a personal care product comprising introducing a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:2, classified in class 424, subclass 94.4.

20 XXVII. Claims 39 and 73, each drawn in part to a method of manufacturing a personal care product comprising introducing a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:3, classified in class 424, subclass 94.4.

25 XXVIII. Claims 39 and 73, each drawn in part to a method of manufacturing a personal care product comprising introducing a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:4, classified in class 424, subclass 94.4.

30 XXIX. Claims 39 and 73, each drawn in part to a method of manufacturing a personal care product comprising introducing a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:5, classified in class 424, subclass 94.4.

35 XXX. Claims 39 and 73, each drawn in part to a method of manufacturing a personal care product comprising introducing a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:6, classified in class 424, subclass 94.4.

40 XXXI. Claims 39 and 73, each drawn in part to a method of manufacturing a personal care product comprising introducing a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:7, classified in class 424, subclass 94.4.

45 XXXII. Claims 39 and 73, each drawn in part to a method of manufacturing a personal care product comprising introducing a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises

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a peptide having the amino acid sequence set forth in SEQ ID NO:8, classified in class 424, subclass 94.4.

XXXIII. Claims 40, 41 and 74-76, each drawn in part to a method of preparing a baked product from a dough comprising adding a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:1 to a dough, as well as to a dough improving composition comprising such a polypeptide or substance, classified in class 426, subclass 549.

XXXIV. Claims 40, 41 and 74-76, each drawn in part to a method of preparing a baked product from a dough comprising adding a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:2 to a dough, as well as to a dough improving composition comprising such a polypeptide or substance, classified in class 426, subclass 549.

XXXV. Claims 40, 41 and 74-76, each drawn in part to a method of preparing a baked product from a dough comprising adding a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:3 to a dough, as well as to a dough improving composition comprising such a polypeptide or substance, classified in class 426, subclass 549.

XXXVI. Claims 40, 41 and 74-76, each drawn in part to a method of preparing a baked product from a dough comprising adding a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:4 to a dough, as well as to a dough improving composition comprising such a polypeptide or substance, classified in class 426, subclass 549.

XXXVII. Claims 40, 41 and 74-76, each drawn in part to a method of preparing a baked product from a dough comprising adding a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:5 to a dough, as well as to a dough improving composition comprising such a polypeptide or substance, classified in class 426, subclass 549.

XXXVIII. Claims 40, 41 and 74-76, each drawn in part to a method of preparing a baked product from a dough comprising adding a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:6 to a dough, as well as to a dough improving composition comprising such a polypeptide or substance, classified in class 426, subclass 549.

XXXIX. Claims 40, 41 and 74-76, each drawn in part to a method of preparing a baked product from a dough comprising adding a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:7 to a dough, as well as to a dough improving composition comprising such a polypeptide or substance, classified in class 426, subclass 549.

XL. Claims 40, 41 and 74-76, each drawn in part to a method of preparing a baked product from a dough comprising adding a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that

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comprises a peptide having the amino acid sequence set forth in SEQ ID NO:8 to a dough, as well as to a dough improving composition comprising such a polypeptide or substance, classified in class 426, subclass 549.

5 XLI. Claims 43 and 77, each drawn in part to a method of analyzing the content of sugar in a sample comprising using a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:1 as an analytical reagent, classified in class 435, subclass 25.

10 XLII. Claims 43 and 77, each drawn in part to a method of analyzing the content of sugar in a sample comprising using a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:2 as an analytical reagent, classified in class 435, subclass 25.

15 XLIII. Claims 43 and 77, each drawn in part to a method of analyzing the content of sugar in a sample comprising using a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:3 as an analytical reagent, classified in class 435, subclass 25.

20 XLIV. Claims 43 and 77, each drawn in part to a method of analyzing the content of sugar in a sample comprising using a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:4 as an analytical reagent, classified in class 435, subclass 25.

25 XLV. Claims 43 and 77, each drawn in part to a method of analyzing the content of sugar in a sample comprising using a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:5 as an analytical reagent, classified in class 435, subclass 25.

30 XLVI. Claims 43 and 77, each drawn in part to a method of analyzing the content of sugar in a sample comprising using a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:6 as an analytical reagent, classified in class 435, subclass 25.

35 XLVII. Claims 43 and 77, each drawn in part to a method of analyzing the content of sugar in a sample comprising using a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:7 as an analytical reagent, classified in class 435, subclass 25.

40 XLVIII. Claims 43 and 77, each drawn in part to a method of analyzing the content of sugar in a sample comprising using a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:8 as an analytical reagent, classified in class 435, subclass 25.

45 XLIX. Claims 44 and 78, each drawn in part to a method of manufacturing a lactone comprising applying a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide



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having the amino acid sequence set forth in SEQ ID NO:1 to a reactor containing an oxidizable carbohydrate, classified in class 435, subclass 147.

5 L. Claims 44 and 78, each drawn in part to a method of manufacturing a lactone comprising applying a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:2 to a reactor containing an oxidizable carbohydrate, classified in class 435, subclass 147.

10 LI. Claims 44 and 78, each drawn in part to a method of manufacturing a lactone comprising applying a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:3 to a reactor containing an oxidizable carbohydrate, classified in class 435, subclass 147.

15 LII. Claims 44 and 78, each drawn in part to a method of manufacturing a lactone comprising applying a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:4 to a reactor containing an oxidizable carbohydrate, classified in class 435, subclass 147.

20 LIII. Claims 44 and 78, each drawn in part to a method of manufacturing a lactone comprising applying a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:5 to a reactor containing an oxidizable carbohydrate, classified in class 435, subclass 147.

25 LIV. Claims 44 and 78, each drawn in part to a method of manufacturing a lactone comprising applying a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:6 to a reactor containing an oxidizable carbohydrate, classified in class 435, subclass 147.

30 LV. Claims 44 and 78, each drawn in part to a method of manufacturing a lactone comprising applying a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:7 to a reactor containing an oxidizable carbohydrate, classified in class 435, subclass 147.

35 LVI. Claims 44 and 78, each drawn in part to a method of manufacturing a lactone comprising applying a polypeptide or a substance having hexose oxidase activity, which may comprise a fusion polypeptide, that comprises a peptide having the amino acid sequence set forth in SEQ ID NO:8 to a reactor containing an oxidizable carbohydrate, classified in class 435, subclass 147.

40 LVII. Claims 79-82, drawn to a substance having hexose oxidase activity comprising a polypeptide characterized by possession of any of a series of three distinct molecular masses classified in class 530, subclass 350.

The polypeptide of Group I lacks unity of invention with polypeptides of Groups II-VIII because, under PCT Rule 13.2, the polypeptides lack the same or corresponding special technical features for the following reasons: The structure of the identifying peptide of the polypeptide of Group I need not occur, as claimed, in the polypeptides of

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Groups II-VIII, whereby the different inventions have no common structural element, thus lack the same or corresponding special technical feature, and are not disclosed as capable of concurrent use and may have different modes of operation.

5 The polypeptide of Group II lacks unity of invention with polypeptides of Groups III-VIII because, under PCT Rule 13.2, the polypeptides lack the same or corresponding special technical features for the following reasons. The structure of the identifying peptide of the polypeptide of Group II need not occur, as claimed, in the polypeptides of Groups III-VIII, whereby the different inventions have no common structural element, thus lack the same or corresponding special technical feature, and are not disclosed as capable of concurrent use and may have different modes of operation.

10 The polypeptide of Group III lacks unity of invention with polypeptides of Groups IV-VIII because, under PCT Rule 13.2, the polypeptides lack the same or corresponding special technical features for the following reasons. The structure of the identifying peptide of the polypeptide of Group III need not occur, as claimed, in the polypeptides of Groups IV-VIII, whereby the different inventions have no common structural element, thus lack the same or corresponding special technical feature, and are not disclosed as capable of concurrent use and may have different modes of operation.

15 The polypeptide of Group IV lacks unity of invention with polypeptides of Groups V-VIII because, under PCT Rule 13.2, the polypeptides lack the same or corresponding special technical features for the following reasons. The structure of the identifying peptide of the polypeptide of Group IV need not occur, as claimed, in the polypeptides of Groups V-VIII, whereby the different inventions have no common structural element, thus lack the same or corresponding special technical feature, and are not disclosed as capable of concurrent use and may have different modes of operation.

20 The polypeptide of Group V lacks unity of invention with polypeptides of Groups VI-VIII because, under PCT Rule 13.2, the polypeptides lack the same or corresponding special technical features for the following reasons. The structure of the identifying peptide of the polypeptide of Group V need not occur, as claimed, in the polypeptides of Groups VI-VIII, whereby the different inventions have no common structural element, thus lack the same or corresponding special technical feature, and are not disclosed as capable of concurrent use and may have different modes of operation.

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The polypeptide of Group VI lacks unity of invention with polypeptides of Groups VII and VIII because, under PCT Rule 13.2, the polypeptides lack the same or corresponding special technical features for the following reasons. The structure of the identifying peptide of the polypeptide of Group VI need not occur, as claimed, in the polypeptides of Groups VII and VIII, whereby the different inventions have no common structural element, thus lack the same or corresponding special technical feature, and are not disclosed as capable of concurrent use and may have different modes of operation.

The polypeptide of Group VII lacks unity of invention with the polypeptide of Group VIII because, under PCT Rule 13.2, the polypeptides lack the same or corresponding special technical features for the following reasons. The structure of the identifying peptide of the polypeptide of Group VII need not occur, as claimed, in the polypeptide of Group VIII, whereby the different inventions have no common structural element, thus lack the same or corresponding special technical feature, and are not disclosed as capable of concurrent use and may have different modes of operation.

Polypeptides of Group LVII lack unity of invention with polypeptides of the Groups I-VIII because, under PCT Rule 13.2, the polypeptides lack the same or corresponding special technical features for the following reasons. Polypeptides of Group LVII lack any structural characteristic, as claimed, thus need not share the special technical feature of any of the polypeptides of Groups I-VIII, specifically, the identifying peptides of polypeptides of each of Groups I-VII.

Because these inventions lack unity of invention where they sharing no special technical feature, one with another, the reasons given above and because the search required for any one of Groups I-VIII is not required for another of Groups I-VIII, restriction for examination purposes as indicated is proper.

Methods of use of polypeptides, or substances comprising a polypeptide, having hexose oxidase activity of Groups I-VIII lack unity of invention with, respectively, the alternate methods of use of Groups IX-XVI for the following reasons: Methods of manufacturing a food product of Groups I-VIII lack a special technical feature of methods of manufacturing an animal feed of Groups IX-XVI which includes the production of silage because, as claimed, no fermentation is required in methods of Groups I-VIII but is inherent in, and is a special technical feature of, methods of Groups IX-XVI.

Methods of use of polypeptides, or substances comprising a polypeptide, having hexose oxidase activity of Groups I-VIII lack unity of invention with, respectively, the alternate methods of use of Groups XVII-XXIV for the following reasons: Methods of

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manufacturing a food product of Groups I-VIII lack a special technical feature of methods of reducing the sugar content of a food product of Groups XVII-XXIV because, as claimed, methods of Groups I-VIII need not affect the sugar content of a food product, which is the special technical feature of a process of methods of Groups XVII-XXIV.

5       Methods of use of polypeptides, or substances comprising a polypeptide, having hexose oxidase activity of Groups I-VIII lack unity of invention with, respectively, the alternate methods of use of Groups XXV-XXXII for the following reasons: Methods of manufacturing a food product of Groups I-VIII lack a special technical feature of methods of manufacturing a personal care product of Groups XXV-XXXII because, as claimed,  
10       methods of Groups I-VIII are intended to produce products for ingestion, a result which is not suitable in a product intended for topical application, which is the purpose, and the special technical feature, of methods of Groups XXV-XXXII.

15       Methods of use of polypeptides, or substances comprising a polypeptide, having hexose oxidase activity of Groups I-VIII lack unity of invention with, respectively, the alternate methods of use of Groups XXXIII-XL for the following reasons: Methods of manufacturing a food product of Groups I-VIII lack a special technical feature of methods of preparing a baked product from a dough comprising adding a polypeptide or a substance having hexose oxidase activity of Groups XXXIII-XL because, as claimed,  
20       methods of Groups I-VIII are not required to comprise an intermediate process of preparation for baking or baking, thus need share no special technical features of methods of Groups XXXIII-XL.

25       Methods of use of polypeptides, or substances comprising a polypeptide, having hexose oxidase activity of Groups I-VIII lack unity of invention with, respectively, the alternate methods of use of Groups XLI-XLVIII for the following reasons: Methods of manufacturing a food product of Groups I-VIII lack a special technical feature of methods of analyzing the content of sugar in a sample of Groups XLI-XLVIII because, as claimed, practice of methods of Groups I-VIII is incompatible with concurrent practice of a method of analysis, thus they cannot share the special technical feature of methods of XLI-XLVIII.

30       Methods of use of polypeptides, or substances comprising a polypeptide, having hexose oxidase activity of Groups I-VIII lack unity of invention with, respectively, the alternate methods of use of Groups XLIX-LVI for the following reasons: Methods of manufacturing a food product of Groups I-VIII lack a special technical feature of methods of manufacturing a lactone of Groups XLIX-LVI because, as claimed, methods of Groups I-

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VIII need not be concurrently practiced in methods of manufacturing a lactone in a reactor containing oxidizable carbohydrates, thus they need not share the special technical feature of Groups XLIX-LVI.

5 Methods of use of polypeptides, or substances comprising a polypeptide, having hexose oxidase activity of Groups IX-XVI lack unity of invention with, respectively, the alternate methods of use of Groups XVII-XXIV for the following reasons: Methods of manufacturing an animal feed of Groups IX-XVI lack a special technical feature of methods of reducing the sugar content of a food product of Groups XVII-XXIV because, as claimed, methods of Groups IX-XVI are not required to affect the sugar content of a food  
10 product, a process for which is the special technical feature of methods of Groups XVII-XXIV.

15 Methods of use of polypeptides, or substances comprising a polypeptide, having hexose oxidase activity of Groups IX-XVI lack unity of invention with, respectively, the alternate methods of use of Groups XXV-XXXII for the following reasons: Methods of manufacturing an animal feed of Groups IX-XVI lack a special technical feature of methods of manufacturing a personal care product of Groups XXV-XXXII because, as claimed, products of the methods of Groups IX-XVI are unsuitable for topical application, which is the purpose of, and the special technical feature of, methods of Groups XXV-XXXII.

20 Methods of use of polypeptides, or substances comprising a polypeptide, having hexose oxidase activity of Groups IX-XVI lack unity of invention with, respectively, the alternate methods of use of Groups XXXIII-XL for the following reasons: Methods of manufacturing an animal feed of Groups IX-XVI lack a special technical feature of methods of preparing a baked product from a dough comprising adding a polypeptide or a substance having hexose oxidase activity of Groups XXXIII-XL because, as claimed,  
25 methods of Groups IX-XVI need not comprise an intermediate process of preparation for baking or baking, thus share no special technical feature of methods of Groups XXXIII-XL.

30 Methods of use of polypeptides, or substances comprising a polypeptide, having hexose oxidase activity of Groups IX-XVI lack unity of invention with, respectively, the alternate methods of use of Groups XLI-XLVIII for the following reasons: Methods of manufacturing an animal feed of Groups IX-XVI lack a special technical feature of methods of analyzing the content of sugar in a sample of Groups XLI-XLVIII because, as claimed, practice of methods of Groups IX-XVI is incompatible with concurrent practice of a

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method of analysis, thus they cannot share the special technical feature of methods of Groups XLI-XLVIII.

5 Methods of use of polypeptides, or substances comprising a polypeptide, having hexose oxidase activity of Groups IX-XVI lack unity of invention with, respectively, the alternate methods of use of Groups XLIX-LVI for the following reasons: Methods of manufacturing animal feeds of Groups IX-XVI lack a special technical feature of methods of manufacturing a lactone of Groups XLIX-LVI because, as claimed, methods of Groups IX-XVI need not produce a lactone in a reactor containing an oxidizable carbohydrate, thus need not share the special technical feature of Groups XLIX-LVI.

10 Methods of use of polypeptides, or substances comprising a polypeptide, having hexose oxidase activity of Groups IX-XVI lack unity of invention with the substance comprising a polypeptide of Group LVII for the following reasons: Methods of Groups IX-XVI do not require, as claimed, a substance comprising a polypeptide of Group LVII thus require no special technical feature of a substance or polypeptide of Group LVII.

15 Methods of use of polypeptides, or substances comprising a polypeptide, having hexose oxidase activity of Groups XVII-XXIV lack unity of invention with, respectively, the alternate methods of use of Groups XXV-XXXII for the following reasons: Methods of reducing the sugar content of a food product of Groups XVII-XXIV lack a special technical feature of methods of manufacturing a personal care product of Groups XXV-XXXII because, as claimed, the practice of methods of Groups XVII-XXIV is incompatible with concurrent practice with methods of Groups XXV-XXXII, thus they cannot share the special technical feature of methods of XLI-XLVIII.

25 Methods of use of polypeptides, or substances comprising a polypeptide, having hexose oxidase activity of Groups XVII-XXIV lack unity of invention with, respectively, the alternate methods of use of Groups XXXIII-XL for the following reasons: Methods of reducing the sugar content of a food product of Groups IX-XVI lack a special technical feature of methods of preparing a baked product from a dough of Groups XXXIII-XL because, as claimed, methods of Groups XVII-XXIV are not required to comprise an intermediate process of preparation for baking or baking, thus need not share the special technical features of methods of Groups XXXIII-XL.

30 Methods of use of polypeptides, or substances comprising a polypeptide, having hexose oxidase activity of Groups XVII-XXIV lack unity of invention with, respectively, the

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alternate methods of use of Groups XLI-XLVIII for the following reasons: Methods of reducing the sugar content of a food product of Groups XVII-XXIV lack a special technical feature of methods of analyzing the content of sugar in a sample of Groups XLI-XLVIII because, as claimed, practice of methods of Groups XVII-XXIV is incompatible with concurrent practice of a method of analysis, thus they cannot share the special technical feature of methods of XLI-XLVIII.

Methods of use of polypeptides, or substances comprising a polypeptide, having hexose oxidase activity of Groups XVII-XXIV lack unity of invention with, respectively, the alternate methods of use of Groups XLIX-LVI for the following reasons: Methods of reducing the sugar content of a food product of Groups XVII-XXIV lack a special technical feature of methods of manufacturing a lactone of Groups XLIX-LVI because, as claimed, methods of Groups XVII-XXIV need not produce lactones from oxidizable carbohydrates, thus need not share the special technical feature of Groups XLIX-LVI.

Methods of use of polypeptides, or substances comprising a polypeptide, having hexose oxidase activity of Groups XVII-XXIV lack unity of invention with the substance comprising a polypeptide of Group LVII for the following reasons: Methods of Groups XVII-XXIV do not require, as claimed, a substance comprising a polypeptide of Group LVII thus require no special technical feature of a substance or polypeptide of Group LVII.

Methods of use of polypeptides, or substances comprising a polypeptide, having hexose oxidase activity of Groups XXV-XXXII lack unity of invention with, respectively, the alternate methods of use of Groups XXXIII-XL for the following reasons: Methods of manufacturing a personal care product of Groups XXV-XXXII lack a special technical feature of methods of preparing a baked product from a dough of Groups XXXIII-XL because, as claimed, practice of the methods of Groups XXV-XXXII is incompatible with concurrent practice of methods of Groups XXXIII-XL, thus they cannot share a special technical feature.

Methods of use of polypeptides, or substances comprising a polypeptide, having hexose oxidase activity of Groups XXV-XXXII lack unity of invention with, respectively, the alternate methods of use of Groups XLI-XLVIII for the following reasons: Methods of manufacturing a personal care product of Groups XXV-XXXII lack a special technical feature of analyzing the content of sugar in a sample of Groups XLI-XLVIII because, as claimed, practice of the methods of Groups XXV-XXXII is incompatible with concurrent practice of a method of analysis, thus they cannot share a special technical feature.

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5 Methods of use of polypeptides, or substances comprising a polypeptide, having hexose oxidase activity of Groups XXV-XXXII lack unity of invention with, respectively, the alternate methods of use of Groups XLIX-LVI for the following reasons: Methods of manufacturing a personal care product of Groups XXV-XXXII lack a special technical feature of manufacturing a lactone of Groups XLIX-LVI because, as claimed, methods of Groups XXV-XXXII need not produce lactones from oxidizable carbohydrates, thus need not share the special technical feature of Groups XLIX-LVI.

10 Methods of use of polypeptides, or substances comprising a polypeptide, having hexose oxidase activity of Groups XXV-XXXII lack unity of invention with the substance comprising a polypeptide of Group LVII for the following reasons: Methods of Groups XXV-XXXII do not require, as claimed, a substance comprising a polypeptide of Group LVII thus require no special technical feature of a substance or a polypeptide of Group LVII.

15 Methods of use of polypeptides, or substances comprising a polypeptide, having hexose oxidase activity of Groups XXXIII-XL lack unity of invention with, respectively, the alternate methods of use of Groups XLI-XLVIII for the following reasons: Methods of preparing a baked product from a dough of Groups XXXIII-XL lack a special technical feature of methods of analyzing the content of sugar in a sample of Groups XLI-XLVIII because, as claimed, practice of the methods of Groups XXXIII-XL is incompatible with  
20 concurrent practice of a method of analysis, thus they cannot share a special technical feature.

25 Methods of use of polypeptides, or substances comprising a polypeptide, having hexose oxidase activity of Groups XXXIII-XL lack unity of invention with, respectively, the alternate methods of use of Groups XLIX-LVI for the following reasons: Methods of preparing a baked product from a dough of Groups XXXIII-XL lack a special technical feature of methods of manufacturing a lactone of Groups XLIX-LVI because, as claimed, methods of Groups XXXIII-XL need not produce lactones from oxidizable carbohydrates, thus need not share the special technical feature of Groups XLIX-LVI.

30 Methods of use of polypeptides, or substances comprising a polypeptide, having hexose oxidase activity of Groups XXXIII-XL lack unity of invention with the substance comprising a polypeptide of Group LVII for the following reasons: Methods of Groups XXXIII-XL do not require, as claimed, a substance comprising a polypeptide of Group



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LVII thus require no special technical feature of a substance or a polypeptide of Group LVII.

5 Methods of use of polypeptides, or substances comprising a polypeptide, having hexose oxidase activity of Groups XLI-XLVIII lack unity of invention with, respectively, the alternate methods of use of Groups XLIX-LVI for the following reasons: Methods of analyzing the content of sugar in a sample of Groups XLI-XLVIII lack a special technical feature of manufacturing a lactone of Groups XLIX-LVI because, as claimed, methods of Groups XLI-XLVIII need not produce lactones from oxidizable carbohydrates, thus need not share the special technical feature of Groups XLIX-LVI.

10 Methods of use of polypeptides, or substances comprising a polypeptide, having hexose oxidase activity of Groups XLI-XLVIII lack unity of invention with the substance comprising a polypeptide of Group LVII for the following reasons: Methods of Groups XLI-XLVIII do not require, as claimed, a substance comprising a polypeptide of Group LVII, thus require no special technical feature of a substance or a polypeptide of Group  
15 LVII.

20 Methods of use of polypeptides, or substances comprising a polypeptide, having hexose oxidase activity of Groups XLIX-LVI lack unity of invention with the substance comprising a polypeptide of Group LVII for the following reasons: Methods of Groups XLIX-LVI do not require, as claimed, a substance comprising a polypeptide of Group LVII, thus require no special technical feature of a substance or a polypeptide of Group LVII.

Because these inventions lack unity or invention in sharing no special technical feature for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

25 A telephone call was made to Mr. Stanislaus Aksman on August 30, 2002, to request an oral election to the above restriction requirement, but did not result in an election being made. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

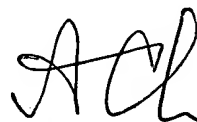
30 Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William W. Moore whose telephone number is 703.308.0583. The examiner can normally be reached between 7:00AM-5:30PM EST on Mondays and Wednesdays, between 7:00AM-1:30PM EST on Tuesdays and Thursdays, and between 8:30AM and 5:00PM EST on Fridays. The examiner's direct FAX telephone number is 703.746.3169. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy can be reached at 703.308.3804. Further fax phone numbers for the organization where this application or proceeding is assigned are 703.308.4242 for regular communications and 703.308.0294 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0196.

William W. Moore  
August 30, 2002



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SUPERVISORY EXAMINER  
TECHNICAL - 1652